

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25227 OF 2006

Between:

M/s.Ravi Shankar Cashew Industries

. . .Petitioner

AND

Joint Chief Environment Engineer,
Zonal Office, Visakhapatnam and others

. . .Respondents

:: ORDER ::

Counsel for the Petitioner : Ms. S.Renuka

Counsel for Respondent Nos.1 & 2 : Shri G.Ramesh Babu
for Shri S.V.Bhatt

Counsel for Respondent No.3 : Government Pleader for
Forests

6th December, 2006

PER G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for stay of the operation of order dated 23.09.2006 passed by the Andhra Pradesh Pollution Control Board under Section 31(A) of Air (Prevention and Control of Pollution) Act, 1987 (for short 'the Air Act') for shifting of the industry till the disposal of the appeal preferred by it.

The only reason why the petitioner has chosen to invoke jurisdiction of this Court under Article 226 of the Constitution of India instead of pursuing the statutory remedy of appeal appears to be non-functioning of the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 and the Air Act.

At the hearing, Shri G.Ramesh Babu, advocate assisting Shri S.V.Bhatt, learned counsel for the Andhra Pradesh Pollution Control Board produced copy of order dated 16.11.2006 passed by the Government for extension of term of the Appellate Authority constituted vide Government Order dated 24.09.2004.

In view of the above, the writ petition is disposed of as infructuous with liberty to the petitioner to pursue the remedy of appeal. It will also be open to the petitioner to file an application for grant of interim relief.

As a sequel to disposal of the main petition, W.P.M.P.No.32297 of 2006 filed by the petitioner for interim relief is dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

Date: 06.12.2006

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